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2
3 BILL NO. G-75-07-01 (Amended in Committee)

4 GENERAL ORDINANCE NO. G- 19-75

5 AN ORDINANCE pertaining to a moratorium on establishment
6 of certain places for the dissemination of
7 printed or written material, pictures,
8 drawings, photographs, motion pictures
9 and other representations.

10 WHEREAS, several establishments have been located in
11 areas throughout the City of Fort Wayne, Indiana for the
12 dissemination and distribution of books, magazines, news-
13 papers, or printed or written material, pictures, drawings,
14 photographs, motion pictures, or other pictorial repre-
15 sentations, statues, figures, recordings, transcripts,
16 mechanical, chemical or electrical reproductions of in-
17 formation only for adult persons over the age of 18 years.

18 WHEREAS, the definition of obscene matters and per-
19 formances is contained in Senate Enrolled Act No. 88,
20 which when compiled will be included within IC 1971
21 35-30 as amended and added to by Senate Enrolled Act No.
22 88 passed by the 1975 session of the Indiana General As-
23 sembly; and

24 WHEREAS, the proximity of such establishments to resi-
25 dential districts, schools, churches, and other places,
26 areas and districts may be injurious to the public health,
27 safety, comfort, morals, convenience and general public
28 welfare; and

29 WHEREAS, it is necessary that careful study and scrutiny
30 by the City Plan Commission and the Common Council of the
31 City of Fort Wayne, Indiana be had in order to safeguard,
32 promote public health, safety, comfort, morals, conven-
33 ience and general public welfare.

34 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
35 OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That for one year from and after the
effective date of this Ordinance the City-County Building
Department not issue building permits for the construction
or alteration of establishments for the dissemination
and distribution of books, magazines, newspapers, printed
or written materials, pictures, drawings, photographs,
motion pictures or other pictorial representations, statues,
figures, recordings, transcripts, mechanical, chemical
or electrical reproductions of information only for adult
persons over the age of 18 years and as defined as
obscene matters and performances as contained in Senate
Enrolled Act No. 88, which when compiled will be included
within IC 1971 35-30 as amended and added to by Senate En-
rolled Act No. 88 passed by the 1975 session of the Indiana
General Assembly.

SECTION 2. The Board of Works of the City of Fort
Wayne, Indiana and the City Plan Commission of the City of
Fort Wayne, Indiana shall prepare a study of conditions
and criteria which shall govern the issuance of building
permits for construction and location and use from and

1
2
3 after the expiration of the ban on the issuance of
4 building permits, certificates of use, certificates of
5 occupancy for such establishments covered in Section
6 1 of this Ordinance.

7 SECTION 3. That the City-County Building Department
8 be further instructed to cooperate with the City Departments
9 in not issuing building permits or any other permits or
10 certificates to such establishments covered in Section
11 1 hereof.

12 SECTION 4. That the City Controller of the City of
13 Fort Wayne, Indiana issue no permits or licenses that will
14 in any way directly or indirectly violate any provisions
15 of Section 1 hereof.

16 SECTION 5. That the Community Development and Plan-
17 ning Department of the City of Fort Wayne not issue any
18 improvement, location or occupancy permits covering those
19 establishments and places mentioned in Section 1 of this
20 Ordinance.

21 SECTION 6. If any section, clause, sentence, paragraph,
22 part or provision of this Ordinance shall be held invalid
23 by any court, it shall be conclusively presumed that this
24 Ordinance would have been passed by the Common Council with-
25 out such invalid section, clause, sentence, paragraph,
26 part or provision.

27 SECTION 7. This Ordinance shall be in full force
28 and effect from and after its passage and approval by the
29 Mayor.

30
31 *Samuel J. Talarico*
32 _____
33 Councilman

34
35 Approved as to form and legality
this 1st day of July, 1975.

36 *John H. Logan*
37 _____
38 John H. Logan, Common Council Attorney

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197_____, at _____ o'clock P.M., E.S.T.

Date: 7-1-75 Charles W. Westernman
CITY CLERK

Read the third time in full and on motion by Talarico, seconded by Hinga, and duly adopted, placed on its passage.
Passed (~~last~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
TOTAL VOTES	<u>9</u>	<u>0</u>			
BURNS	✓				
HINGA	✓				
KRAUS	✓				
MOSES	✓				
NUCKOLS	✓				
SCHMIDT, D.	✓				
SCHMIDT, V.	✓				
STIER	✓				
TALARICO	✓				

DATE: 7-1-75 Charles W. Westernman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) 19-75 on the 1st day of July, 1975.

ATTEST: (SEAL)

James S. Sherr
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 2nd day of July, 1975, at the hour of 11:30 o'clock
A. M., E.S.T.

Charles W. Westernman
CITY CLERK

Approved and signed by me this 2nd day of July, 1975, at the hour of 2:30 o'clock P. M., E.S.T.

John A. Leroy
MAYOR

SUSPENSION OF RULES

BILL NO. G-75-07-01

Councilman Talarico, moved to suspend the rules on passage of BILL NO. G-75-07-01, at this meeting of July 1, 1975, of the Common Council of the City of Fort Wayne, Indiana. Said motion was seconded by Councilman Hinga, and duly passed by unanimous vote of all legally elected members of the said Common Council. The above BILL and General ORDINANCE was accordingly placed on its passage.

DATE: 7-1-75

Charles W. Westerman CITY CLERK James Stier PRESIDING OFFICER

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>BURNS</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>HINGA</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>KRAUS</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>MOSES</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>NUCKOLS</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>D. SCHMIDT</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>V. SCHMIDT</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>STIER</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>TALARICO</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,
as General Ordinance No. 12-19-75

ATTEST:
DATE: July 1, 1975

(SEAL)
Charles W. Westerman
CITY CLERK

Bill No. G-75-07-01

REPORT OF THE COMMITTEE ON COMMITTEE OF THE WHOLE

We, your Committee on COMMITTEE OF THE WHOLE to whom was referred an Ordinance
pertaining to a moratorium on establishment of certain places for the dissemination
of printed or written material, pictures, drawings, photographs, motion pictures and
other representations

As Amended!

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

Sam Talarico
Vivian Schmidt

Eugene Kraus, Jr.

Mike Burns

Winfield C. Moses, Jr.

Bill Hinga
John Nuckols
Donald Schmidt

Jim Stier

Samuel J. Talarico

Mike Burns

William T. Hinga

Jim Stier

DATE 7-1-75 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

1
2
3 BILL NO. G-75-07-01 ~~XXXXXXXXXX~~

4 GENERAL ORDINANCE NO. G-_____

5 AN ORDINANCE pertaining to a moratorium on establishment
6 of certain places for the dissemination of printed or
7 written material, pictures, drawings, photographs,
8 motion pictures and other representations.

9 WHEREAS, several establishments have been located in areas through-
10 out the City of Fort Wayne, Indiana for the dissemination and distribution of books,
11 magazines, newspapers, or printed or written material, pictures, drawings,
12 photographs, motion pictures, or other pictorial representations, statues, figures,
13 recordings, transcripts, mechanical, chemical or electrical reproductions of in-
14 formation for adult or non-adult persons; and

15 WHEREAS, the proximity of such establishments to residential districts
16 schools, churches, and other places, areas and districts may be injurious to the
17 public health, safety, comfort, morals, convenience and general public welfare;
18 and

19 WHEREAS, it is necessary that careful study and scrutiny by the City
20 Plan Commission and the Common Council of the City of Fort Wayne, Indiana be
21 had in order to safeguard, promote public health, safety, comfort, morals, con-
22 venience and general public welfare.

23 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
24 THE CITY OF FORT WAYNE, INDIANA:

25 SECTION 1. That for one year from and after the effective date of this
26 Ordinance the City-County Building Department not issue building permits for the
27 construction or alteration of establishments for the dissemination and distribution
28 of books, magazines, newspapers, printed or written materials, pictures drawings,
29 photographs, motion pictures or other pictorial representations, statues, figures,
30 recordings, transcripts, mechanical, chemical or electrical reproductions of in-
31 formation for adult and non-adult persons, except as provided in Section 6 hereof.

32 SECTION 2. The Board of Works of the City of Fort Wayne, Indiana and
33 the City Plan Commission of the City of Fort Wayne, Indiana shall prepare a study
34 of conditions and criteria which shall govern the issuance of building permits for
35 construction and location and use from and after the expiration of the ban on the
issuance of building permits, certificates of use, certificates of occupancy for such
establishments covered in Section 1 of this Ordinance.

SECTION 3. That the City-County Building Department be further in-
structed to cooperate with the City Departments in not issuing building permits or
any other permits or certificates to such establishments covered in Section 1 hereof.

SECTION 4. That the City Controller of the City of Fort Wayne, Indiana,
issue no permits or licenses that will in any way directly or indirectly violate any
provisions of Section 1 hereof.

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APPROVED AS TO FORM
AND LEGALITY *July 1, 1975*
John D. Hogan
CITY CLERK

SECTION 5. That the Community Development and Planning Department of the City of Fort Wayne not issue any improvement, location or occupancy permits covering those establishments and places mentioned in Section 1 of this Ordinance.

SECTION 6. The following are not covered in Section 1 of this Ordinance and are exempt from the moratorium prescribed in Section 1 hereof: schools with a full-time faculty and diversified curriculum; churches affiliated with a national or regional denomination; museums, medical clinics of licensed physicians or psychiatrists; hospitals; licensed physicians or psychiatrists; public libraries; governmental agencies; other organizations who are income tax exempt, are supported in part or in whole by tax funds, or receive at least one-third (1/3) of their support from publicly-donated funds; and persons acting in the capacity as employees or agents of any of the above.

SECTION 7. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid by any court, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 8. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.


Councilman

7-1-75

Committee

Ref. to Amended form.

Charles W. Wisternhouse

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2
3 BILL NO. G-75-07-01

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14 formation for adult or non-adult persons; and ^{OVER THE AGE OF 18 YRS 1975}
15 ~~CONFORMITY~~ WITH LAWS PASSED BY THE LAST General Assembly

16 WHEREAS, the proximity of such establishments to residential districts
17 schools, churches, and other places, areas and districts may be injurious to the
18 public health, safety, comfort, morals, convenience and general public welfare;
19 and

20 WHEREAS, it is necessary that careful study and scrutiny by the City
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34 the City Plan Commission of the City of Fort Wayne, Indiana shall prepare a study
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Bill read as amended in committee session.

On Introduction Sam Talarico
2nd V Schmidt.

Line 22 Amended by Don Schmidt
2nd Committee of the whole
9-ayes 0 nays

Suspension of Rules Talarico
2nd Hinga
9-0
Rules suspended

On Passage Talarico
2nd Hinga

Passed 9-0

adjourned Kraus

DIGEST SHEET

GENERAL

TITLE OF ORDINANCE _____

DEPARTMENT REQUESTING ORDINANCE _____

SYNOPSIS OF ORDINANCE Pertaining to a moratorium on establishment of certain places
_____ for the dissemination of printed or written material, pictures, drawings, photographs,
_____ motion pictures and other representations

EFFECT OF PASSAGE A one-year moratorium will be in effect on the establishment of
_____ certain places for the dissemination of printed or written material, pictures,
_____ drawings, photographs, motion pictures and other representations

EFFECT OF NON-PASSAGE _____

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____ None

ASSIGNED TO COMMITTEE (PRESIDENT) _____

DIGEST SHEETTITLE OF ORDINANCE GENERALG-75-07-01.

DEPARTMENT REQUESTING ORDINANCE _____

SYNOPSIS OF ORDINANCE Pertaining to a moratorium on establishment of certain placesfor the dissemination of printed or written material, pictures, drawings, photographs,motion pictures and other representationsEFFECT OF PASSAGE A one-year moratorium will be in effect on the establishment ofcertain places for the dissemination of printed or written material, pictures,
drawings, photographs, motion pictures and other representations

EFFECT OF NON-PASSAGE _____

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) None

ASSIGNED TO COMMITTEE (PRESIDENT) _____